

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Stanley M. Ferenc,
Dynah N. Duncan-White,

DEBTORS.

CHAPTER 13
CASE NO. 19-40109-PJS
JUDGE PHILLIP J. SHEFFERLY

TRUSTEE'S OBJECTION TO THE DEBTORS' CLAIMED EXEMPTIONS

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to the debtors' claimed exemptions, and in support thereof states as follows:

1. Based upon debtor's spouse's amended Schedule C, the debtor spouse has claimed as exempt various property pursuant to 11 U.S.C. Section 522(d)(5) in the aggregate amount of \$2,100.00, however, based upon the debtor's spouse's claimed exemptions, the debtor spouse only has \$1,250.00 available in exemptions under 11 U.S.C. Section 522(d)(5). Accordingly, debtor's spouse's claimed exemptions pursuant to 11 U.S.C. Section 522(d)(5) should be disallowed.

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court disallow the debtors' claimed exemptions, and grant any further and other relief as this Court deems equitable and just.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: March 15, 2019

By: /s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

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**ORDER SUSTAINING TRUSTEE'S OBJECTION TO THE
DEBTORS' CLAIMED EXEMPTIONS**

This matter came on for hearing upon an Objection to the debtors' Claimed Exemptions filed by the Chapter 13 Standing Trustee pursuant to E.D. Mich. LBR 9014-1, a Notice of Trustee's Objection to the debtors' Claimed Exemptions having been provided, and the records of the Court reflecting that the relief requested herein is warranted and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the debtors' spouse's claimed exemptions in various property pursuant to 11 U.S.C. Section 522(d)(5) are hereby disallowed.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
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AKA or DBA (if any):
Dynah N. Sufalko

Address(es):
2640 Raymond Drive
Dearborn, MI 48124-0000

2640 Raymond Drive
Dearborn, MI 48124-0000

Social Security Number(s):
XXX-XX-6692 XXX-XX-1092

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF TRUSTEE'S OBJECTION TO THE DEBTORS' CLAIMED EXEMPTIONS

The Chapter 13 Trustee has filed papers with the court to disallow the debtors' claimed exemptions.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to deny the debtors' claimed exemption or if you want the court to consider your views on the debtors' exemptions, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

**United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, Michigan 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

**OFFICE OF THE CHAPTER 13 STANDING TRUSTEE - DETROIT
ATTN: MOTION DEPARTMENT
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251**

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Trustee's Objection and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: March 15, 2019

By: /s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

EXHIBIT 2

¹Response or answer must comply with F.R.Civ.P. 8(b), (c) and (e).

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**BRIEF IN SUPPORT OF TRUSTEE'S OBJECTION TO
THE DEBTORS' CLAIMED EXEMPTIONS**

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and in support of the Objection to the debtors' Claimed Exemptions relies on 11 U.S.C. 522 as authority for the allowance of appropriate exemptions.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: March 15, 2019

By: /s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
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EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO
THE DEBTORS' CLAIMED EXEMPTIONS**

I hereby certify that on March 15, 2019, I electronically filed the Trustee's Objection to the debtors' Claimed Exemptions, Trustee's Brief in Support, Notice of Trustee's Objection to the debtors' Claimed Exemptions and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BABUT LAW OFFICES PLLC
700 TOWNER STREET
YPSILANTI, MI 48198-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Stanley M. Ferenc
Dynah N. Duncan-White
2640 Raymond Drive
Dearborn, MI 48124-0000

_____/s/ Vanessa Wild_____
Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755

EXHIBIT 4